

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 806

Introduced by Assembly Member Wilk

February 21, 2013

An act to amend Section 84362 of, and to add Section 84363 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as amended, Wilk. Community colleges: salaries of classroom instructors.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts throughout the state, and authorizes these districts to provide instruction at community college campuses. Existing law requires that 50% of each district's current expense of education, as defined, be expended for payment of salaries of classroom instructors, as defined. Existing law requires the governing board of each district to provide for an internal audit in accordance with regulations of the board of governors.

This bill would define "salaries of classroom ~~instructors~~" *instructors,*" commencing with the 2014–15 fiscal year, to include ~~the salaries of counselors, as defined,~~ by reference to the Budget and Accounting Manual for California Community Colleges, academic salaries, as defined, including the salaries of counselors; instructional aide salaries, as defined; and the health and welfare benefits paid to specified personnel. ~~This bill would require that, commencing with the 2014–15~~

fiscal year, ~~52%~~ of each district's current expense of education be expended for payment of salaries of classroom instructors. The bill would also authorize the board of governors, *commencing with the 2014–15 fiscal year*, to establish a committee to review the auditing procedures in order to ensure compliance with the requirement that ~~52%~~ 50% of each district's current expense of education be paid for the salaries of classroom instructors.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84362 of the Education Code is amended
 2 to read:
 3 84362. (a) As used in this section, “salaries of classroom
 4 instructors” means: *expenditures included in object-of-expenditure*
 5 *classification 1000 for academic salaries, expenditures included*
 6 *in object-of-expenditure classifications 2200 and 2400 for*
 7 *classified salaries paid to each instructional aide employed by the*
 8 *district where any portion of their duties are required to be*
 9 *performed under the supervision of an instructor, and the health*
 10 *and welfare benefits provided to personnel identified in*
 11 *object-of-expenditure classifications 1000, 2200, and 2400, of the*
 12 *Budget and Accounting Manual for California Community*
 13 *Colleges, except for educational administrators salaries and*
 14 *benefits as defined in subdivision (b).*
 15 ~~(1) The salary paid to each instructor or counselor employed~~
 16 ~~by the district whose duties require that the full time for which the~~
 17 ~~instructor or counselor is employed be devoted to the instruction~~
 18 ~~of students of the district or to the provision of counseling services~~
 19 ~~for the students of the district.~~
 20 ~~(2) The portion of the salary of each instructor or counselor~~
 21 ~~whose duties require that a part, but not all, of the full time for~~
 22 ~~which the instructor or counselor is employed be devoted to the~~
 23 ~~instruction of students of the district or to the provision of~~
 24 ~~counseling services for the students of the district, which is equal~~
 25 ~~to the portion of the full time actually devoted by the instructor or~~
 26 ~~counselor to teaching or to the provision of counseling services to~~
 27 ~~the students of the district.~~

1 ~~(3) The salary paid to each instructional aide employed by the~~
2 ~~district, any portion of whose duties are required to be performed~~
3 ~~under the supervision of an instructor. However, the cost of all~~
4 ~~health and welfare benefits provided to the instructors by the~~
5 ~~community college district shall be included within the meaning~~
6 ~~of “salaries of classroom instructors.”~~

7 (b) As used in this section, the following terms have the
8 following meanings:

9 (1) ~~“Administrator” means any employee in a position having~~
10 ~~significant responsibilities for formulating district policies or~~
11 ~~administering district programs; and “supervisor” means any~~
12 ~~employee having authority, on behalf of the district, to hire,~~
13 ~~transfer, suspend, lay off, recall, promote, discharge, assign,~~
14 ~~reward, discipline other employees, adjust their grievances, or~~
15 ~~effectively recommend that action, if the exercise of the authority~~
16 ~~is not of a merely routine or clerical nature.~~

17 (2) ~~“Counselor” means an employee of the district employed~~
18 ~~in a position requiring the minimum qualifications of a counselor.~~

19 (3) ~~“Instructor” means an employee of the district employed in~~
20 ~~a position requiring minimum qualifications and whose duties~~
21 ~~require him or her to teach students of the district for at least one~~
22 ~~full instructional period each schoolday for which the employee~~
23 ~~is employed. An instructional period is the number of minutes~~
24 ~~equal to the number of minutes of the regular academic period in~~
25 ~~the community college in which the instructor is employed.~~

26 (1) *“Academic salaries” means expenditures for salaries of*
27 *employees in academic positions that require minimum*
28 *qualifications established by the board of governors.*

29 (2) *“Educational administrators salaries and benefits” means*
30 *expenditures for salaries and health and welfare benefits of*
31 *administrators who are employed in an academic position*
32 *designated by the governing board of the district as having direct*
33 *responsibility for supervising the operation of or formulating policy*
34 *regarding the instructional or student services program of the*
35 *college or district. Educational administrators include, but are*
36 *not limited to, chancellors, presidents, and other supervisory or*
37 *management employees designated by the governing board as*
38 *educational administrators.*

39 (3) *“Instructional aide salaries” means expenditures for salaries*
40 *of classified employees where any portion of their duties is required*

1 *to be performed under the supervision of an academic employee*
2 *providing classroom instruction.*

3 (c) As used in this section, “current expense of education” means
4 the gross total expended (not reduced by estimated income or
5 estimated federal and state apportionments) for the purposes
6 classified in the final budget of a district (except one which, during
7 the preceding fiscal year, had less than 101 units of full-time
8 equivalent students) for academic salaries other than academic
9 salaries for student transportation, food services, and community
10 services; classified salaries other than classified salaries for student
11 transportation, food services, and community services; employee
12 benefits other than employee benefits for student transportation
13 personnel, food services personnel, and community services
14 personnel; books, supplies, and equipment replacement other than
15 for student transportation and food services; and community
16 services, contracted services, and other operating expenses other
17 than for student transportation, food services, and community
18 services. “Current expense of education,” for purposes of this
19 section, shall not include those expenditures classified as sites,
20 buildings, books, and media and new equipment
21 (object-of-expenditure classification 6000 of the Budget and
22 Accounting Manual for California Community Colleges), the
23 amount expended from categorical aid received from the federal
24 or state government which funds were granted for expenditures in
25 a program not incurring any instructor salary expenditures or
26 requiring disbursement of the funds without regard to the
27 requirements of this section, or expenditures for facility acquisition
28 and construction; and shall not include the amount expended
29 pursuant to any lease agreement for plant and equipment or the
30 amount expended from funds received from the federal government
31 pursuant to the “Economic Opportunity Act of 1964” or any
32 extension of that act of Congress or the amount expended by a
33 community college from state or federal funds received by the
34 community college for grants to community college students or
35 for the employment of community college students.

36 ~~(d) Commencing with the 2014–15 fiscal year, there~~ *There* shall
37 be expended during each fiscal year for payment of salaries of
38 classroom instructors by a community college district, ~~52~~ *50*
39 percent of the district’s current expense of education. ~~For the~~
40 ~~purposes of implementing this subdivision, all expenditures~~

1 ~~included in object-of-expenditure classification 1000, pursuant to~~
2 ~~the Budget and Accounting Manual for California Community~~
3 ~~Colleges, shall be included in the numerator, except as follows:~~

4 ~~(1) Salaries of educational administrators as defined in Section~~
5 ~~87002.~~

6 ~~(2) Prorated salaries of administrators for teaching instruction~~
7 ~~as part of their regular workload.~~

8 ~~(3) Salaries of instructors on sabbatical leave.~~

9 (e) If the board of governors determines that a district has not
10 expended the applicable percentage of current expense of education
11 for the payment of salaries of classroom instructors during the
12 preceding fiscal year, the board shall, in apportionments made to
13 the district from the State School Fund after April 15 of the current
14 fiscal year, designate an amount of the apportionment or
15 apportionments equal to the apparent deficiency in district
16 expenditures. Any amount so designated by the board of governors
17 shall be deposited in the county treasury to the credit of the
18 community college district, but shall be unavailable for expenditure
19 by the district pending the determination to be made by the board
20 of governors on any application for exemption which may be
21 submitted to the board of governors. In the event it appears to the
22 governing board of a community college district that the application
23 of the preceding subdivisions during a fiscal year results in serious
24 hardship to the district, or in the payment of salaries of classroom
25 instructors in excess of the salaries of classroom instructors paid
26 by other districts of comparable type and functioning under
27 comparable conditions, the governing board may apply to the board
28 of governors, in writing, not later than September 15 of the
29 immediately succeeding fiscal year for exemption from the
30 requirements of this section.

31 (f) Immediately upon applying for the exemption described in
32 subdivision (e), the governing board shall provide the exclusive
33 representative of the district's academic employees or, if none
34 exists, the district or college academic senate, and all academic
35 employee organizations eligible for payroll dues deduction, with
36 a copy of the application. The exclusive representative, or the
37 district or college academic senate, and all academic employee
38 organizations eligible for payroll dues deduction, within 30 days
39 of its receipt of the application, may transmit to the board of

1 governors a written statement opposing the application, setting
 2 forth reasons for its opposition.

3 (g) Upon receipt of the application described in subdivision (f),
 4 duly approved, and of the statement of opposition, if any, the board
 5 of governors shall grant the district exemption for any amount that
 6 is less than one thousand dollars (\$1,000). If the amount is one
 7 thousand dollars (\$1,000) or more, the board of governors may
 8 grant the district exemption from the requirement for the fiscal
 9 year for which the application is made if a majority of all the
 10 members of the board of governors finds, in writing, that the district
 11 will in fact suffer serious hardship or will have to pay salaries of
 12 classroom instructors in excess of those paid by other districts of
 13 comparable type and functioning under comparable conditions
 14 unless the district is granted an exemption. If the exemption is
 15 granted, the designated moneys shall be immediately available for
 16 expenditure by the community college district governing board.
 17 If no application for exemption is made or exemption is denied,
 18 the board of governors shall order the designated amount or amount
 19 not exempted to be added to the amounts to be expended for
 20 salaries of classroom instructors during the next fiscal year.

21 (h) The board of governors shall enforce the requirements
 22 prescribed by this section, and may adopt necessary rules and
 23 regulations to that end. It may require the submission during the
 24 college year, by community college district governing boards and
 25 county superintendents of schools, of the reports and information
 26 as may be necessary to carry out this section.

27 (i) The board of governors, no later than the 10th calendar day
 28 of each year of the Legislature, shall submit to the Legislature a
 29 written report on the operation, effect, and the extent of compliance
 30 with this section by community college districts in the state during
 31 the two most recently ended fiscal years. The report shall describe
 32 the activities of the board of governors and the chancellor’s office,
 33 undertaken to ensure compliance with this section, and may contain
 34 recommendations for legislation pertaining to that subject.

35 SEC. 2. Section 84363 is added to the Education Code, to read:
 36 84363. (a) The board of governors may establish a committee
 37 to review the auditing procedures adopted pursuant to Article 2
 38 (commencing with Section 84030) to develop ways to ensure
 39 compliance with the requirement of subdivision (d) of Section
 40 84362 that, commencing with the 2014–15 fiscal year, 52 that 50

1 percent of each district's current expense of education be paid for
2 the salaries of classroom instructors. The membership of the
3 committee shall be as follows:

4 (1) The Chancellor of the California Community Colleges.

5 (2) One certified public accountant, to be selected by the board,
6 who is licensed by the California Board of Accountants and has
7 prepared an annual audit pursuant to subdivision (b) of Section
8 84040.

9 (3) One exclusive representative of classified employees of a
10 district, to be selected by the board.

11 (4) One district administrator, to be selected by the board.

12 (b) The committee shall review local district auditing procedures
13 and recommend to the board any changes to the procedures
14 published in the California Community Colleges Budget and
15 Accounting Manual that may be necessary to achieve the current
16 expense of education requirements contained in subdivision (d)
17 of Section 84362.

18 *SEC. 3. Sections 1 and 2 of this act shall become operative on*
19 *July 1, 2014.*